

Order

Michigan Supreme Court
Lansing, Michigan

November 17, 2006

Clifford W. Taylor,
Chief Justice

131035

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

HARVEY GRACE,
Plaintiff-Appellant,

v

SC: 131035
COA: 257896
Oakland CC: 2002-045572-NM

BRUCE LEITMAN and BRUCE
LEITMAN, P.C.,
Defendants-Appellees.

On order of the Court, the application for leave to appeal the March 16, 2006 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on whether to grant the application or take other preemptory action. MCR 7.302(G)(1). At oral argument, the parties shall address whether the proffered affidavit from plaintiff's expert witness was sufficient to create a genuine issue of material fact, in light of the principles discussed in *Simko v Blake*, 448 Mich 648 (1995), and other applicable law. The parties may file supplemental briefs within 35 days of the date of this order, but they should avoid submitting a mere restatement of the arguments made in their application papers.



d1114

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

November 17, 2006

Corbin R. Davis

Clerk